

House Daily Reader

Tuesday, February 28, 2012

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State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

816T0504

SENATE STATE AFFAIRS

ENGROSSED NO. **HB 1196** - 2/22/2012

Introduced by: Representatives Rozum, Boomgarden, Brunner, Deelstra, Fargen, Haggar, Hawley, Kirkeby, Munsterman, Rausch, Solum, Street, and Turbiville and Senators Krebs, Haverly, Hundstad, Kraus, Maher, Peters, Rampelberg, Sutton, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning lobbyists.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 2-12-4 be amended to read as follows:

4 2-12-4. Each lobbyist or employer shall file with the secretary of state, within ten days after
5 the date of registration, a written or electronic authorization ~~to act as such, signed by his~~
6 ~~employer~~ for a person to act as a lobbyist for an employer. The format for the authorization shall
7 be prescribed by the secretary of state.

8 Section 2. That § 2-12-11 be amended to read as follows:

9 2-12-11. On or before July first of each year, each registered lobbyist and each employer of
10 a registered lobbyist whose name appears in the directory in that year shall submit to the
11 secretary of state a complete and detailed report of all costs incurred for the purpose of
12 influencing legislation. The report shall be submitted in writing or electronically in a format
13 prescribed by the secretary of state. However, the personal expenses of the lobbyist spent upon



1 the lobbyist's own meals, travel, lodging, phone calls or other necessary personal needs while
2 in attendance at the legislative session need not be reported. ~~The reports shall be personally~~
3 ~~sworn to by the person making the report in the presence of a notary public. The secretary of~~
4 ~~state shall prescribe concise and simple forms for reporting costs and expenses for lobbyists and~~
5 ~~the employers of lobbyists.~~ The completed reports shall be open to public inspection. The terms,
6 costs, and expenses, as used in this section do not mean the compensation paid by the employer
7 to the lobbyist.

8 Any lobbyist expense report filed pursuant to this section is exempt from the ten dollar filing
9 fee prescribed in subdivision 1-8-10(2).

10 If a person has been authorized to act as a lobbyist on behalf of an employer pursuant to § 2-
11 12-4, but the lobbyist does not conduct any lobbying activities pursuant to § 2-12-1 nor acts in
12 any manner as a lobbyist in connection with representing that employer, a report is not required
13 to be filed under this chapter.

14 The secretary of state may impose an administrative penalty for the failure to timely file the
15 report required by this section. The secretary of state may impose a penalty on a registered
16 lobbyist or employer of a registered lobbyist for each report not timely filed not to exceed a total
17 of one hundred dollars per report not timely filed. Any administrative penalty collected pursuant
18 to this section shall be deposited in the general fund.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

983T0323

HOUSE EDUCATION ENGROSSED NO. **SB 25** - 2/24/2012

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to provide for the creation of a new state accountability
2 system for public elementary and secondary schools.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-3-62 be amended to read as follows:

5 13-3-62. A single, statewide state accountability system is established. The system shall hold
6 public schools ~~and public school districts~~ accountable for the academic achievement of their
7 students and shall ensure that all public schools ~~and all public school districts~~ make adequate
8 yearly progress in continuously and substantially improving the academic achievement of their
9 students.

10 Section 2. That § 13-3-63 be amended to read as follows:

11 13-3-63. The state accountability system shall be based on the South Dakota Content
12 Standards in reading and mathematics approved by the South Dakota Board of Education. The
13 yearly progress of students shall be measured by the state academic assessments as may be
14 prescribed by the Legislature, and shall take into account the achievement of all public
15 elementary school and secondary school students in reading and mathematics annually. ~~An~~



~~additional academic indicator~~ Additional indicators established pursuant to § 13-3-69 shall be used in the measurement of yearly progress: ~~the additional academic indicator for the public K-8 elementary schools shall be the annual rate of student attendance; the additional academic indicator for public 9-12 high schools shall be the annual rate of graduation.~~

Section 3. That § 13-3-64 be amended to read as follows:

13-3-64. The state accountability system shall ~~establish a timeline for adequate yearly progress that ensures that no later than the 2013-2014 school year, measure whether~~ all students meet or exceed the state's proficient level of academic achievement ~~as measured by the state's assessments. Annual measurable objectives in both reading and mathematics. Multiple~~ indicators shall be established to ~~ensure~~ indicate continuous and substantial academic improvement of the achievement of all public school students as well as sub-groups of public school students, including economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency. ~~The annual measurable objectives shall identify a single minimum percentage of students who are required to meet or exceed the proficient level on the academic assessments. The objectives shall be applied separately in reading and mathematics and shall be applied to all students and to each sub-group of students described in this section. The annual measurable objectives shall be used for determining adequate yearly progress.~~

Section 4. That § 13-3-65 be amended to read as follows:

13-3-65. The state accountability system shall determine annually the progress of each public school ~~and public school district~~, including the annual progress of sub-groups of students, using annual assessment data and data from ~~one~~ additional academic indicator. ~~The school's progress in mathematics and reading shall be compared separately to the state's annual objectives for adequate yearly progress in mathematics and reading. The results of the~~

~~comparisons shall be used to determine the school's achievement level based on the state's achievement standards. The district's progress in mathematics and reading shall be compared separately to the state's annual objectives in mathematics and reading. The results of the comparisons shall be used to determine the district's achievement levels based on the state's achievement standards~~ indicators.

Section 5. That § 13-3-67 be amended to read as follows:

13-3-67. The state accountability system shall include ~~consequences~~ interventions for schools ~~and districts~~ in the form of sanctions, rewards, and recognition. The ~~consequences~~ interventions shall be based on the school's ~~or district's~~ ranking on the state's achievement standards and additional indicators.

Section 6. That § 13-3-69 be amended to read as follows:

13-3-69. The South Dakota Board of Education may promulgate administrative rules pursuant to chapter 1-26 to establish the state accountability system; based on achievement and other indicators including:

- (1) A definition of ~~adequate yearly~~ academic progress;
- (2) ~~A valid and reliable~~ The method of calculating ~~adequate~~ yearly progress in mathematics and reading for all public schools ~~and public school districts~~, including methods for determining both the status and ~~improvement~~ growth;
- (3) A definition of four levels of student achievement, including a proficient level;
- (4) ~~Establishment of names and descriptors for the four levels of student achievement;~~
- ~~—~~(5) Determination of cut scores ~~within the scoring data from the state assessments in mathematics and reading for each of the four levels~~ level of student achievement;
- ~~(6)(5)~~ Establishment of the ~~state's annual~~ measurable objectives for academic progress ~~through 2013-2014 in both reading and mathematics;~~

1 ~~(7)(6)~~ Establishment of a system of ~~consequences for public schools, including~~ sanctions,
2 rewards, and recognition;

3 ~~(8)(7)~~ Establishment of a system of consequences for public school districts, including
4 ~~sanctions, rewards, and recognition~~ the process for teacher and principal evaluation;

5 ~~(9)(8)~~ Determination of a ~~valid and reliable method for calculating a graduation rate~~ the
6 criteria to demonstrate student preparedness for college and career for each public
7 high school;

8 ~~(10)(9)~~ Determination of a ~~valid and reliable~~ the method for calculating the attendance
9 rate for each public elementary and middle school;

10 ~~(11)(10)~~ Establishment of an appeal process for public schools ~~and public school~~
11 districts; and

12 ~~(12)(11)~~ Establishment of a process whereby the state accountability system will be
13 periodically reviewed ~~to assure that it is fair and appropriate for the public~~
14 schools of South Dakota, and is in compliance with federal law; and

15 ~~— (13) —~~ Any other administrative rule that is deemed necessary to fulfill the requirements of
16 the federal education act, Public Law No. 107-110, § 1111(b)(2)(A), 115 Stat. 1425,
17 as in effect on January 1, 2003.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0426

HOUSE JUDICIARY ENGROSSED NO. **SB 43** - 2/24/2012

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to criminalize the failure to report the death or
2 disappearance of a child within a specified time by certain persons responsible for the care
3 of the child.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Any parent, legal guardian, or caretaker who knowingly fails to notify law enforcement
8 within forty-eight hours of learning that a child, in his or her care and less than thirteen years
9 of age, is missing is guilty of a Class 1 misdemeanor.

10 Section 2. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Any parent, legal guardian, or caretaker who knowingly fails to notify law enforcement
13 within six hours of learning of the death of a minor child in his or her care is guilty of a Class
14 5 felony. This section does not apply to any health care provider or to any facility licensed



1 pursuant to chapter 34-12.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

903T0634

HOUSE APPROPRIATIONS

ENGROSSED NO. **SB 77** - 2/27/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senator Olson (Russell) and Representative Fargen

1 FOR AN ACT ENTITLED, An Act to provide for the establishment of a scholarship program
2 for postsecondary technical institute students and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Dakota Tech scholarship program is hereby established within the
5 Department of Labor and Regulation. Dakota Tech scholarships shall be awarded to encourage
6 students at South Dakota's postsecondary technical institutes who are trained for employment
7 in areas of critical need to remain in South Dakota upon completion of their postsecondary
8 technical education. The Department of Labor and Regulation shall provide for the awarding
9 of Dakota Tech scholarships in accordance with the provisions of this Act.

10 Section 2. Terms used in this Act mean:

11 (1) "Area of critical need," an occupation within South Dakota for certain types of
12 employers in certain geographical areas as specified by rules promulgated by the
13 department pursuant to section 14 of this Act;

14 (2) "Dakota Tech scholarship award," an amount awarded to an individual student under



1 the Dakota Tech scholarship program;

2 (3) "Department," the Department of Labor and Regulation;

3 (4) "Postsecondary technical institute," a postsecondary institute established pursuant to
4 chapter 13-39.

5 Section 3. The Department of Labor and Regulation shall administer the Dakota Tech
6 scholarship program. The department shall, in accordance with the provisions of this Act,
7 provide for the selection of scholarship recipients, the disbursement of scholarship funds, the
8 collection and repayment of funds from recipients who have become ineligible, and other
9 measures necessary for the implementation of this Act.

10 Section 4. To be eligible for a Dakota Tech scholarship a person shall:

11 (1) Have a high school diploma or general equivalency diploma (GED);

12 (2) Agree in writing to stay in South Dakota and work in an area of critical need for a
13 period of four years following graduation from a postsecondary technical institute;
14 and

15 (3) Enroll in or be accepted for enrollment by a postsecondary technical institute for a
16 course of study in an area of critical need leading to a technical degree from the
17 postsecondary technical institute.

18 Section 5. In order to maintain eligibility for a Dakota Tech scholarship a person shall:

19 (1) Maintain a 2.5 grade point average on a 4.0 scale and maintain standing as a full-time
20 or part-time student at a postsecondary technical institute;

21 (2) Attend a postsecondary technical institute and earn a technical degree in an area of
22 critical need within four years after the person's first enrollment at the technical
23 institute.

24 Section 6. A Dakota Tech scholarship award shall be in the amount of five thousand dollars

1 per student and is awarded once for the duration of the student's course of study. The department
2 may award Dakota Tech scholarships only to the extent that funds are available to provide
3 scholarships. If the amount of money in the Dakota Tech scholarship fund is insufficient to
4 provide a Dakota Tech scholarship to all eligible applicants, the department shall consider a
5 person's field of study and financial need in awarding a Dakota Tech scholarship.

6 Section 7. If a person has been awarded a Dakota Tech scholarship, the department shall pay
7 the postsecondary technical institute at which the person is enrolled the amount of five thousand
8 dollars, to be deducted from the person 's tuition and fees over the duration of the person's
9 course of study. The amount of the scholarship constitutes an obligation owed by the person to
10 the department, which may be discharged as provided in sections 8 to 11, inclusive, of this Act.

11 Section 8. A person who has received a Dakota Tech scholarship is not required to repay any
12 part of the scholarship if within six months of earning an eligible technical degree the person
13 begins employment and is continuously employed in South Dakota for a period of forty-eight
14 consecutive months in an area of critical need. A course of study and corresponding
15 employment or occupation that was deemed an area of critical need at the time of the person's
16 scholarship award remains an area of critical need for the duration of the person's course of
17 study and for the forty-eight month employment period for purposes of determining any
18 repayment obligation that the person may incur.

19 Section 9. If a person who has received a Dakota Tech scholarship does not maintain
20 eligibility as specified in section 5 of this Act, the person shall reimburse the department the
21 amount of the scholarship paid on behalf of the person, according to a repayment schedule set
22 by the department in rules promulgated pursuant to chapter 1-26.

23 Section 10. If a person who has received a Dakota Tech scholarship does not meet the
24 requirement in section 8 of this Act, the person shall reimburse the department the amount of

1 the scholarship paid on behalf of the person, according to a repayment schedule set by the
2 department in rules promulgated pursuant to chapter 1-26. The amount of repayment shall be
3 based on the ratio of forty-eight months minus the number of months a person was continuously
4 employed in an area of critical need to forty-eight months.

5 Section 11. If a person who has received a Dakota Tech scholarship is unable to maintain
6 eligibility or remain employed in an area of critical need for forty-eight consecutive months due
7 to factors outside the control of the person, the department may waive or delay the eligibility
8 or repayment provisions of this Act.

9 Section 12. A person who has received a Dakota Tech scholarship shall annually report to
10 the department the person's academic and occupational status on forms prescribed by the
11 department.

12 Section 13. The Dakota Tech scholarship fund is hereby established as a separate fund in
13 the state treasury to be administered by the Department of Labor and Regulation. Money in the
14 fund shall be used to implement the Dakota Tech scholarship program established pursuant to
15 this Act. Money may enter the fund through legislative appropriations, fees, contributions,
16 donations, grants, loans, interest received on money in the fund, and any other lawful public or
17 private source. Money in the fund shall be appropriated by the Legislature through the normal
18 budget process. Any expenditure from the fund shall be paid on warrants drawn by the state
19 auditor on vouchers approved by the secretary of the Department of Labor and Regulation.

20 Section 14. The Department of Labor and Regulation shall promulgate rules, pursuant to
21 chapter 1-26, to implement the Dakota Tech scholarship program. The rules shall define
22 occupations and geographical areas as areas of critical need, establish procedures for the
23 awarding and acceptance of scholarships, establish requirements and guidelines to be followed
24 by the department in implementing the program, establish criteria for monitoring the academic

1 and occupational status of persons who have received a scholarship, establish financial need
2 criteria, establish repayment schedules, and establish other procedures and requirements
3 necessary for the implementation of the scholarship program.

4 Section 15. There is hereby appropriated from the general fund the sum of one hundred
5 dollars (\$100), or so much thereof as may be necessary, to the Department of Labor and
6 Regulation to be deposited into the Dakota Tech scholarship fund and made available, beginning
7 on the effective date of this Act, to fund scholarships under the Dakota Tech scholarship
8 program as provided in this Act. This appropriation may be used only for the funding of
9 scholarships under the program. Administrative costs and other costs incurred in the
10 implementation of the program may be met only through the use of funds from sources other
11 than this appropriation.

12 Section 16. The secretary of the Department of Labor and Regulation shall approve vouchers
13 and the state auditor shall draw warrants to pay expenditures authorized by this Act.

14 Section 17. Any amounts appropriated in this Act not lawfully expended or obligated by
15 June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

329T0658

SENATE TRANSPORTATION

ENGROSSED NO. **SB 80** - 2/10/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brown and Haverly and Representatives Cronin, Gosch, and Hawley

1 FOR AN ACT ENTITLED, An Act to exempt veterans from the twelve-month residency
2 requirement for the purposes of tuition and fees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-53 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person who is a veteran as defined by §§ 33A-2-1 and 33A-2-2 shall be classified as
7 a resident student without meeting the twelve-month residency requirement within South
8 Dakota pursuant to § 13-53-24.

9 Section 2. That § 13-53-24 be amended to read as follows:

10 13-53-24. A person entering the state from another state or country does not at that time
11 acquire residence for the purpose of §§ 13-53-23 to 13-53-41, inclusive, unless, except as
12 provided in § 13-53-29 or section 1 of this Act, such person is a resident for twelve months in
13 order to qualify as a resident student for tuition and fee purposes.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

636T0416

HOUSE JUDICIARY ENGROSSED NO. **SB 91** - 2/24/2012

Introduced by: Senators Novstrup (Al), Kraus, and Peters and Representative Wick

1 FOR AN ACT ENTITLED, An Act to allow officers of corporations to represent corporations
2 in property tax appeals at the Office of Hearing Examiners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 After notice and unanimous vote of the shareholders, a shareholder of a subchapter S
7 corporation that has ten or fewer shareholders, may represent the corporation during a property
8 tax appeal, pursuant to chapter 10-11, to the Office of Hearing Examiners. The designated
9 shareholder does not need to be a licensed attorney. In order to exercise this option, the
10 corporation shall present to the Office of Hearing Examiners, the name and mailing address of
11 each of the shareholders, proof of notice to the shareholders, and a copy of the minutes and
12 motion or resolution reflecting the unanimous vote authorizing the designated shareholder to
13 represent the corporation in the appeal.



State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

479T0491

HOUSE EDUCATION ENGROSSED NO. **SB 130** 2/27/2012

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Lederman, Adelstein, Gray, Schlekeway, and Sutton and
Representative Sly

1 FOR AN ACT ENTITLED, An Act to require the school board of each school district to adopt
2 a policy prohibiting bullying.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. If a school district does not have a bullying policy, the school district shall follow
5 the model bullying policy in section 6 of this Act until such time as the school district adopts
6 its own bullying policy. Nothing in this Act supplants or preempts an existing school district
7 policy.

8 Section 2. Bullying is a pattern of repeated conduct that causes physical hurt or
9 psychological distress on one or more students that may include threats, intimidation, stalking
10 as defined in chapter 22-19A, physical violence, theft, destruction of property, any threatening
11 use of data or computer software, written or verbal communication, or conduct directed against
12 a student that:

13 (1) Places a student in reasonable fear of harm to his or her person or damage to his or
14 her property; and either



(2) Substantially interferes with a student's educational performance; or

(3) Substantially disrupts the orderly operation of a school.

For the purposes of this Act, bullying also includes retaliation against a student for asserting or alleging an act of bullying.

Section 3. Each school district policy developed pursuant to this Act may contain the following provisions:

(1) A statement prohibiting bullying and a definition of bullying that includes the definition listed in section 2 of this Act;

(2) A description of the type of behavior expected from each student of the school district, and the consequences for a student of the school district who commits an act of bullying;

(3) A procedure for reporting an act of bullying, including provisions that permit a person to anonymously report such an act, although formal disciplinary action may not be based solely on an anonymous report;

(4) A procedure for the prompt investigation and response to any report of bullying, including a requirement that an investigation be conducted on any alleged incident of bullying committed against a child while the child is aboard a school bus, at a school bus stop, or at a school-sponsored event; and

(5) A statement that all students are protected with no mention of any protected classes of students.

Section 4. Any school district employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying to the appropriate school district official as designated in the school district's policy, and who makes the report in compliance with the provisions of the school district's policy is immune from any cause of action for damages arising from failure

1 to remedy the reported incident.

2 Section 5. Neither the physical location nor the time of day of any incident involving the use
3 of computers or other electronic devices is a defense to any disciplinary action taken by a school
4 district for conduct determined to meet the definition of bullying in section 2 of this Act.

5 Section 6. The model bullying policy pursuant to this Act is as follows:

6 **PROHIBITION OF HARASSMENT, INTIMIDATION, AND BULLYING**

7 The School District is committed to maintaining a constructive, safe school climate that is
8 conducive to student learning and fostering an environment in which all students are treated
9 with respect and dignity.

10 Persistent bullying can severely inhibit a student's ability to learn and may have lasting
11 negative effects on a student's life. The bullying of students by students, staff, or third parties
12 is strictly prohibited and will not be tolerated.

13 Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct
14 directed toward a student that is so pervasive, severe, and objectively offensive that it:

- 15 (1) Has the purpose of creating or resulting in an intimidating, hostile, or offensive
16 academic environment; or
17 (2) Has the purpose or effect of substantially or unreasonably interfering with a student's
18 academic performance which deprives the student access to educational
19 opportunities.

20 Any staff member observing or suspecting bullying toward another individual is required
21 to report the issue to his or her building supervisor.

22 This policy is in effect while students are on property within the jurisdiction of the School
23 Board; while students are in school-owned or school-operated vehicles; and while students are
24 attending or engaged in school-sponsored activities.

1 The District will act to investigate all complaints (formal or informal, verbal or written) of
2 bullying. A formal complaint may be submitted to the building principal. Any student engaging
3 in an act of bullying is subject to discipline pursuant to the District's student discipline
4 procedure.

5 This policy may not be interpreted to prohibit civil exchange of opinions or debate protected
6 under the state or federal constitutions if the opinion expressed does not otherwise materially
7 or substantially disrupt the education process or intrude upon the rights of others.

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

497T0696

HOUSE APPROPRIATIONS ENGROSSED NO. **SB 139** - 2/27/2012

Introduced by: Senators Heineman, Adelstein, Johnston, Kraus, and Tidemann and Representatives Sly, Blake, Brunner, Dennert, Elliott, Fargen, Feickert, Gibson, Hawley, Hunhoff (Bernie), Iron Cloud III, Jones, Killer, Kirschman, Kloucek, Lucas, Miller, Olson (Betty), Schrempp, Sigdestad, Street, and Wismer

1 FOR AN ACT ENTITLED, An Act to establish the Teach for America grant program within
2 the Department of Education and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. There is hereby created a Teach for America grant program within the Department
5 of Education. The purpose of the grant program is to provide funding to Teach for America, a
6 nonprofit organization that provides alternative teacher recruitment and placement in public
7 schools in which a majority of the students are from low-income households. Through the grant
8 program, the state will partner with private contributors to fund an expansion of the Teach for
9 America program in the state that will allow the number of teachers placed to grow from fifty-
10 seven to one hundred by 2015. The expansion will allow Teach for America to positively impact
11 two-thirds of the Native American students on reservations in the state and more than half of
12 the Native American students statewide, and to strengthen its efforts to improve the academic
13 achievement of low-income, Native American students and to increase the educational



opportunities afforded them.

Funding through the grant program shall be provided to Teach for America over a period of four fiscal years beginning on July 1, 2012. The amount of the grants provided pursuant to this Act shall be based upon the amount of matching funds received by Teach for America from private contributors, but the total amount of all grants provided may not exceed the total amount of money appropriated for the grant fund.

Section 2. For each fiscal year of the grant program established in section 1 of this Act, the secretary of education shall submit a report to the Governor and to the Legislature that provides the following information:

- (1) The amount of grant program funds provided to Teach for America for that fiscal year;
- (2) The amount of matching funds provided to Teach for America for that fiscal year from private contributors;
- (3) The progress of Teach for America's expansion efforts in South Dakota, including the number of teachers placed and the number of students impacted; and
- (4) The results that Teach for America is achieving in the state in closing the achievement gap, providing enhanced educational opportunities, preparing students for higher education, and in meeting any other goals established by the organization.

Section 3. There is hereby appropriated from the general fund the sum of one hundred dollars (\$100), or so much thereof as may be necessary, to the Department of Education to fund the Teach for America grant program established pursuant to this Act.

Section 4. The secretary of education shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 5. Any amounts appropriated in this Act not lawfully expended or obligated shall

- 1 revert in accordance with the procedures prescribed in chapter 4-8.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

715T0524

HOUSE JUDICIARY ENGROSSED NO. **SB 141** - 2/27/2012

Introduced by: Senators Peters, Buhl, Cutler, Holien, Nelson (Tom), and Nygaard and
Representatives Gibson, Abdallah, Blake, Hunhoff (Bernie), Kirkeby, Perry,
Street, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise the legal definition of the term, domestic abuse.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 25-10-1 be amended to read as follows:

4 25-10-1. Terms used in this chapter mean:

5 (1) "Domestic abuse, domestic violence, spousal abuse, battering, family violence, and
6 intimate violence," physical harm, bodily injury, or attempts to cause physical harm
7 or bodily injury, ~~or~~ the infliction of fear of imminent physical harm or bodily injury
8 ~~between family or household members, or a pattern of abusive behaviors by one~~
9 partner in an intimate relationship such as marriage or cohabitation. Any violation of
10 § 25-10-13 or chapter 22-19A or any crime of violence as defined in subdivision 22-
11 1-2(9) constitutes domestic abuse if the underlying criminal act is committed between
12 ~~family or household members~~ partners in an intimate relationship as defined in this
13 subdivision;

14 (2) "Family or household members," spouses, former spouses, or persons related by



1 consanguinity, adoption, or law, persons living in the same household in an intimate
2 relationship, persons who have lived together in an intimate relationship, or persons
3 who have had a child together;

4 (3) "Protection order," an order restraining any family or household member from
5 committing any act of domestic abuse or an order excluding any family or household
6 member from the dwelling or residence of another family or household member,
7 whether or not the dwelling or residence is shared. A protection order has a duration
8 of five years or less; and

9 (4) "Temporary protection order," an order restraining any family or household member
10 from committing any act of domestic abuse or an order excluding any family or
11 household member from the dwelling or residence of another family or household
12 member, whether or not the dwelling or residence is shared. A temporary protection
13 order has a duration of thirty days except as provided in § 25-10-7.1.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

916T0599

HOUSE JUDICIARY ENGROSSED NO. **SB 149** 2/27/2012

Introduced by: Senators Cutler, Buhl, Haverly, Kraus, Krebs, Novstrup (Al), Peters, and
Vehle and Representatives Novstrup (David), Blake, Conzet, Elliott, Hansen
(Jon), Kirkeby, and Stricherz

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the conditional
2 release of persons charged with domestic abuse.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 25-10-41 be amended to read as follows:

5 25-10-41. In determining the conditions of release under § 25-10-40, the court shall consider
6 the following conditions and may impose any condition it considers reasonably necessary to
7 protect the alleged victim of domestic abuse, including ordering the defendant:

8 (1) Not to subject the victim to further domestic abuse;

9 (2) To vacate the home of the victim;

10 (3) Not to contact the victim other than through counsel;

11 (4) To engage in counseling;

12 (5) To refrain from the consumption of alcohol or the use of drugs;

13 (6) To post bond pursuant to § 25-10-23.

14 As used in this section, the term "domestic abuse" means a violation of § 22-18-1 or 22-18-



1 1.1 if the victim is a family or household member.

2 Section 2. That § 25-10-40 be amended to read as follows:

3 25-10-40. No police officer or sheriff may release a person charged with assaulting a family
4 or household member, as defined in subdivision 25-10-1(2), or violating a protection order, as
5 provided for in this chapter, without providing notice to a committing magistrate judge or circuit
6 court. A committing magistrate judge or circuit court shall determine if bond or other conditions
7 of release are necessary for the protection of the alleged victim.

8 If the defendant is released without bond, a condition of no contact with the victim shall be
9 stated and incorporated into the terms of the conditional release. Willful violation of any such
10 no contact provision is a Class 1 misdemeanor.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

744T0489

HOUSE STATE AFFAIRS

ENGROSSED NO. SB 162 - 2/24/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Tidemann, Brown, Frerichs, Gray, Hansen (Tom), Haverly, Heineman, Hunhoff (Jean), Johnston, Olson (Russell), Peters, Rave, and Rhoden and Representatives Sly, Boomgarden, Conzet, Cronin, Dryden, Hawley, Kirkeby, Moser, Munsterman, Perry, Street, Vanneman, Wick, Willadsen, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide for the designation of certified technology parks.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. Terms used in this Act mean:

4 (1) "GOED," the Governor's Office of Economic Development;

5 (2) "Governing body," the governing body of the sponsor;

6 (3) "High technology activity," includes any of the following:

7 (a) Advanced computing, which is any technology used in the design or
8 development of computer hardware and software, data communications, or
9 information technologies;

10 (b) Advanced materials, which are materials with engineered properties created
11 through the development of specialized process and synthesis technology;

12 (c) Biotechnology, which is any technology that uses living organisms, cells,



macromolecules, micro-organisms, or substances from living organisms to make or modify a product, improve plants or animals, or develop micro-organisms for useful purposes. Biotechnology does not include human cloning or stem cell research with embryonic tissue;

(d) Electronic device technology, which is any research or technology that involves;

(i) Microelectronics, semiconductors, or electronic equipment;

(ii) Instrumentation, radio frequency, microwave, and millimeter electronics;

(iii) Optical and optic-electrical devices; or

(iv) Data and digital communications and imaging devices;

(e) Engineering or laboratory testing related to the development of a product;

(f) Technology that assists in the assessment or prevention of threats or damage to human health or the environment, including environmental cleanup technology, pollution prevention technology, or development of alternative energy sources;

(g) Medical device technology, which is any technology that involves medical equipment or products;

(h) Product research and development; or

(i) Advanced vehicles' technology, which is any technology that involves;

(i) Electric vehicles, hybrid vehicles, or alternative fuel vehicles; or

(ii) Components used in the construction of electric vehicles, hybrid vehicles, or alternative fuel vehicles;

(4) "Sponsor," any incorporated municipality, county, or improvement district created

1 pursuant to chapter 7-25A.

2 Section 2. The governing body of a sponsor may apply to GOED for designation of all or
3 part of the area within the sponsor's jurisdictional area as a certified technology park. The
4 application shall be in a form specified by GOED and shall include information GOED deems
5 necessary to make the determinations required pursuant to this Act.

6 Section 3. After receipt of an application submitted pursuant to section 2 of this Act, GOED
7 may designate a certified technology park for a period of five years if GOED determines that
8 the designation is in the best interests of economic development within this state and the
9 proposed certified technology park satisfies the following criteria:

10 (1) A firm commitment from at least one business engaged in a high technology activity
11 creating a significant number of jobs at the proposed site;

12 (2) A firm demonstration of support from a postsecondary educational institution, a
13 public or private institute that engages in research, a public or military research and
14 development or testing facility on an active United States government military base
15 or other military installation located within, or in the vicinity of, the proposed
16 certified technology park, or a laboratory or other research facility owned, operated
17 or funded by the United States located within, or in the vicinity of, the proposed
18 certified technology park; and

19 (3) A firm demonstration of support from an economic development organization within
20 the sponsor's jurisdictional area.

21 Section 4. Within thirty days of the first anniversary of designation and within thirty days
22 of each anniversary thereafter, the sponsor shall furnish on forms provided by GOED all of the
23 following information:

24 (1) Total employment and payroll levels for businesses operating within the certified

1 technology park;

2 (2) The nature and extent of any technology transfer and research activity occurring
3 within the certified technology park;

4 (3) The nature and extent of any nontechnology businesses operating within the certified
5 technology park; and

6 (4) An analysis of the certified technology park's overall contributions to the
7 technology-based economy in this state.

8 Section 5. The sponsor may apply to GOED for renewal of the designation of a certified
9 technology park. The application shall be on forms supplied by GOED and shall be filed at least
10 three months prior to the expiration of the existing designation. GOED may renew the
11 designation of a certified technology park for up to five additional years if the requirements of
12 section 3 of this Act continue to be met and if the sponsor has complied with section 4 of this
13 Act.

14 Section 6. GOED may conduct, or cause to be conducted, such inspections and reviews of
15 the proposed certified technology park site and books and records relating to the application for
16 certification or recertification as GOED deems appropriate to carry out the provisions of this
17 Act.

18 Section 7. Each application for designation of a certified technology park, each application
19 for renewal of a designation, and all information related to any such applications, to the extent
20 not already in the public domain, shall be held in confidence by GOED and may not be made
21 available to the public prior to designation. If designation or redesignation is denied, the denial
22 shall remain confidential and no record of the application may be made available to the public.
23 If a designation or redesignation is granted, the information provided to GOED in connection
24 with the application and the information provided pursuant to section 4 of this Act shall be

1 available for public inspection and for use in marketing the certified technology park.

2 Section 8. GOED may revoke the designation of a certified technology park after notice and
3 a hearing conducted pursuant to the provisions of chapter 1-26 if the sponsor fails to comply
4 with section 4 of this Act or if the site no longer qualifies for designation as a certified
5 technology park.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

841T0684

HOUSE COMMERCE AND ENERGY

ENGROSSED NO. SB 170 - 2/24/2012

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Frerichs, Buhl, Maher, and Vehle and Representatives Brunner, Fargen, Kloucek, Munsterman, Nelson (Stace), Schrempp, and Street

1 FOR AN ACT ENTITLED, An Act to repeal the large project development fund and the
2 appropriation therefor, to provide tax rebates for certain energy projects, to establish and
3 provide for the administration of the business incentive grant fund, and to make an
4 appropriation for the business incentive grant fund.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That chapter 6 of the 2011 Session Laws be repealed.

7 Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
8 follows:

9 Any wind energy facility which installs wind turbines and operates the turbines to create
10 electrical energy is eligible for a rebate of the sales and use taxes and contractors' excise taxes
11 paid on the project. The wind energy facility is eligible for the rebate if the project has a
12 construction date on or after January 1, 2013, and the total project costs exceeds fifty million
13 dollars. For project costs incurred and paid after January 1, 2013, inclusive, the amount of the
14 rebate for the wind energy facility shall be determined by multiplying the nameplate capacity,



1 in megawatts, of the installed turbines by forty-five thousand dollars. The rebate is payable
2 when construction is complete and the sales and use taxes and contractors' excise taxes have
3 been paid in full.

4 Section 3. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any new business facility that is an environmental upgrade to an existing electric generation
7 facility is eligible for a rebate of the sales and use taxes and contractors' excise taxes paid on the
8 project. The new business facility is eligible for the rebate if the project has a construction date
9 on or after January 1, 2013, and the total project costs exceeds fifty million dollars. For project
10 costs incurred and paid after January 1, 2013, inclusive, the amount of the rebate for an
11 environmental upgrade shall be fifty percent of the total sales and use taxes and contractors'
12 excise taxes paid. The rebate is payable when construction is complete and the sales and use
13 taxes and contractors' excise taxes have been paid in full.

14 Section 4. That subdivision (6) of § 10-45B-1 be amended to read as follows:

15 (6) "Power generation facility," a facility with one power unit that generates electricity
16 with a nameplate capacity of no less than ~~five~~ three hundred megawatts;

17 Section 5. That § 1-16G-1.2 be amended to read as follows:

18 1-16G-1.2. The Board of Economic Development may take title by foreclosure to any
19 property given as security if the acquisition is necessary to protect any economic development
20 grant or loan or any business incentive grant made ~~under~~ pursuant to the provisions of this
21 chapter, and may sell, transfer, or convey any such property to any responsible buyer. Any sale
22 of property ~~hereunder~~ pursuant to the provisions of this chapter shall be performed in a
23 commercially reasonable manner. If the sale, transfer, or conveyance cannot be effected with
24 reasonable promptness, the board may, in order to prevent financial loss and sustain

1 employment, lease the property to a responsible tenant or tenants.

2 All sale proceeds or lease payments received by the board pursuant to this section shall be
3 deposited in the fund from which the original grant or loan was made.

4 Section 6. That § 1-16G-8 be amended to read as follows:

5 1-16G-8. The Board of Economic Development shall promulgate rules pursuant to chapter
6 1-26 concerning the following:

- 7 (1) The existing barriers to economic growth and development in the state;
8 (2) Developing investment in research and development in high technology industries;
9 (3) The submission of business plans prior to the approval of economic development
10 grants or loans or business incentive grants. Business plans shall include the products
11 or services to be offered by the applicant, job descriptions with attendant salary or
12 wage information by job category, educational requirements by job category,
13 methods of accounting, financing other than that provided by the economic
14 development grant or loan or a business incentive grant, and marketing, sales,
15 merchandising, and other disciplines proposed to be used for business growth and
16 expansion;
17 (4) The cooperation between agencies of state government and applicant businesses for
18 nonfinancial services including loan packaging, marketing assistance, research
19 assistance, and assistance with finding solutions for complying with environmental,
20 energy, health, safety, and other federal, state, and local laws and regulations;
21 (5) Regular performance monitoring and reporting systems for participating businesses
22 to assure compliance with their business plans—and, terms of repayment of an
23 economic development loan and compliance with terms of an economic development
24 grant or a business incentive grant;

(6) Establish eligibility criteria for grants and loans;

(7) Establish application procedures for grants and loans, including a requirement that grant and loan applications be signed under penalty of perjury;

(8) Establish criteria to determine which applicants will receive grants or loans;

(9) Govern the use of proceeds of grants and loans;

(10) Establish criteria for the terms and conditions upon which loans shall be made, including matching requirements, interest rates, repayment terms, and the terms of security given to secure such loans; and

(11) Establish criteria for the terms and conditions upon which grants shall be made, including permitted uses, performance criteria, and matching requirements; and

(12) Establish criteria for the terms and conditions upon which grants shall be repaid for noncompliance with the terms and conditions upon which the grant was made.

Section 7. That § 1-16G-16.1 be amended to read as follows:

1-16G-16.1. The Board of Economic Development may use the revolving economic development and initiative fund for the purpose of paying taxes and liens and for the procuring of legal services and other services necessary to protect, recover, maintain, and liquidate the assets of the revolving economic development and initiative fund and the business incentive grant fund. Such costs may be incurred and paid up to ten percent of the loan or grant balance with a majority vote of the board of economic development. Costs in excess of ten percent shall be approved by a two-thirds vote of the board. Such services are not subject to state bid laws so long as such services are procured in a commercially acceptable manner.

Section 8. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

Terms used in sections 8 to 13, inclusive, of this Act mean:

(1) "Large-scale project," a project with a total project cost exceeding five million dollars;

(2) "Project cost," the amount paid in money, credits, property, or other money's worth for a project.

Section 9. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of sections 8 to 13, inclusive, of this Act, the term, project, means a new building or structure or the expansion of an existing building or structure, the construction of which is subject to the contractors' excise tax imposed by chapters 10-46A or 10-46B. A project includes laboratory and testing facilities, manufacturing facilities, power generation facilities, power transmission facilities, agricultural processing facilities, and wind energy facilities. A project does not include any building or structure:

(1) Used predominantly for the sale of products at retail, other than the sale of electricity at retail, to individual consumers;

(2) Used predominantly for residential housing or transient lodging;

(3) Used predominantly to provide health care services;

(4) Constructed for raising or feeding of livestock; or

(5) That is not subject to ad valorem real property taxation or equivalent taxes measured by gross receipts.

Section 10. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

There is established in the state treasury a fund to be known as the business incentive grant fund for the purpose of making grants for large-scale project development. All money in the business incentive grant fund is hereby continuously appropriated for the purpose of making

business incentive grants as provided in this chapter. Any repayment of grants from the business incentive grant fund and any interest thereon shall be receipted into the business incentive grant fund.

Section 11. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

The Board of Economic Development may make business incentive grants from the business incentive grant fund for the purpose of promoting large-scale project development in South Dakota.

Section 12. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

The Board of Economic Development may accept and expend for the purposes of sections 10 and 11 of this Act, any funds obtained from federal sources, gifts, contributions, or any source if such acceptance and expenditure is approved in accordance with § 4-8B-10.

Section 13. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

There is hereby continuously appropriated to the business incentive grant fund the amount of eighteen percent of all deposits into the general fund of the contractors' excise tax imposed by chapter 10-46A and the alternate contractors' excise tax imposed by chapter 10-46B. Transfers from the general fund to the business incentive grant fund pursuant to this provision shall be made on a monthly basis by the Bureau of Finance and Management.

Section 14. The provisions of section 13 of this Act are effective on January 1, 2013.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

772T0140

HOUSE JUDICIARY ENGROSSED NO. SB 183 - 2/27/2012

Introduced by: Senators Vehle, Cutler, Fryslie, Holien, Maher, Nygaard, Olson (Russell), Rhoden, Schlekeway, and Tidemann and Representatives Hoffman, Gosch, Rozum, Street, Tulson, Verchio, and Wismer

1 FOR AN ACT ENTITLED, An Act to establish the elements of the offense of juvenile sexting
2 and to provide a penalty therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No minor, as defined in subdivision 26-7A-1(21), may intentionally create,
5 produce, distribute, present, transmit, post, exchange, disseminate, or possess, through any
6 computer or digital media, any photograph or digitized image or any visual depiction of a minor
7 in any condition of nudity, as defined in subdivision 22-24A-2(9), or involved in any prohibited
8 sexual act, as defined in subdivision 22-24A-2(16). Any violation of this section constitutes the
9 offense of juvenile sexting, which is a Class 1 misdemeanor.

10 Section 2. It is not an act of juvenile sexting if the minor has not solicited the visual
11 depiction, if the minor does not subsequently distribute, present, transmit, post, print,
12 disseminate, or exchange the visual depiction, and if the minor deletes or destroys the visual
13 depiction upon receipt. It is not an Act of juvenile sexting if the visual depiction is of a single
14 minor, created by that minor, who does not subsequently distribute, present, transmit, post, print,



1 disseminate, or exchange the visual depiction.

2 Section 3. It is not a defense to the offense of juvenile sexting that the visual depiction is of

3 the person charged.

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

427T0711

HOUSE STATE AFFAIRS ENGROSSED NO. **SB 187** - 2/27/2012

Introduced by: Senators Olson (Russell), Brown, and Gray and Representative Rausch

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the legislative review
2 of state agencies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-26E-1 be repealed.

5 ~~— 1-26E-1. For the purposes of §§ 1-26E-1 to 1-26E-8, inclusive, the term, state agency, means~~
6 ~~any department, division, office, commission, board, or any other unit of state government. The~~
7 ~~term does not include any local unit of government.~~

8 Section 2. That § 1-26E-2 be repealed.

9 ~~— 1-26E-2. The Executive Board of the Legislative Research Council shall establish and~~
10 ~~appoint the members of one or more interim committees each year to review one or more state~~
11 ~~agencies. The executive board shall establish a schedule whereby each state agency is reviewed~~
12 ~~by an interim committee once every ten years.~~

13 Section 3. That § 1-26E-3 be repealed.

14 ~~— 1-26E-3. Any committee appointed pursuant to §§ 1-26E-1 to 1-26E-8, inclusive, shall~~
15 ~~implement the procedures of §§ 1-26E-1 to 1-26E-8, inclusive, and may establish its own~~



~~procedures for the review and evaluation required by §§ 1-26E-1 to 1-26E-8, inclusive.~~

Section 4. That § 1-26E-4 be repealed.

~~1-26E-4. Each committee shall hold public hearings and receive testimony from the public and all interested parties. The state agency under review shall bear the burden of establishing that sufficient public need is present to justify its continued existence. The state agency under review shall provide the committee with the following information:~~

~~(1) The identity of all offices under the direct or advisory control of the state agency;~~

~~(2) All powers, duties, and functions currently performed by the state agency;~~

~~(3) All constitutional, statutory, or other authority under which the powers, duties, and functions of the state agency are carried out;~~

~~(4) Any powers, duties, or functions which the state agency is performing and which is duplicated by another state agency within the state including the manner in which, and the extent to which, the duplication of effort is occurring and any recommendations as to eliminating the duplications;~~

~~(5) Any powers, duties, or functions which are inconsistent with current and projected public needs and which should be terminated or altered; and~~

~~(6) Any other information which the committee feels is necessary and proper to carry out its review and evaluative duties.~~

Section 5. That § 1-26E-5 be repealed.

~~1-26E-5. To determine whether a sufficient public need for continuing the state agency is present, a committee shall take into consideration the following factors concerning the state agency:~~

~~(1) The extent to which any information required to be furnished to the reviewing committee pursuant to § 1-26E-4 has been omitted, misstated, or refused, and the~~

~~extent to which conclusions reasonably drawn from the information are adverse to the legislative intent inherent in the powers, duties, and functions as established in the enabling legislation creating the state agency, or is inconsistent with present or projected public demands or needs;~~

~~(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefiting the state agency;~~

~~(3) The extent to which the operation of the state agency has been efficient and responsive to the public needs;~~

~~(4) The extent to which the state agency has encouraged the persons regulated to report to it concerning the impact of its rules and decisions regarding improved services, economy of service, or availability of service to the public;~~

~~(5) The extent to which the public has been encouraged to participate in rule and decision making as opposed to participation solely by persons regulated;~~

~~(6) The extent to which complaints have been expeditiously processed to completion in the public interest; and~~

~~(7) Any other relevant criteria which the committee deems necessary and proper in reviewing and evaluating the sufficient public need for continuance of the state agency.~~

Section 6. That § 1-26E-6 be repealed.

~~1-26E-6. The Department of Legislative Audit shall furnish, upon request of a committee, any relevant information including the reports of audits of the state agency under review.~~

Section 7. That § 1-26E-7 be repealed.

~~1-26E-7. Each committee shall submit reports recommending either the continuation, revision, or termination of the state agency under review to the Executive Board of the~~

1 ~~Legislative Research Council for distribution to legislators and the Governor before the first~~
2 ~~legislative day of the ensuing regular legislative session.~~

3 Section 8. That § 1-26E-8 be repealed.

4 ~~— 1-26E-8. Each committee shall submit its recommendations concerning the state agency and~~
5 ~~laws that it believes should be repealed or revised to the Legislature in one or more bills.~~

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

400T0498

HOUSE APPROPRIATIONS ENGROSSED NO. SB 193 - 2/27/2012

Introduced by: The Committee on Appropriations at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2012 and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The funds in section 5 of this Act are provided for the purpose of making a one-
5 time payment to active, permanent employees hired before March 24, 2011, not including the
6 Governor, lieutenant governor, attorney general, secretary of state, state auditor, state treasurer,
7 commissioner of school and public lands, or public utilities commissioners, for the purpose of
8 encouraging public service and for continued service in the state government workforce. This
9 payment will be made on March 30, 2012, and will be calculated as a percentage of the
10 employees' annualized salary effective as of March 23, 2012. This percentage shall be five
11 percent for an employee hired before March 24, 2009; three and four-tenths percent for an
12 employee hired March 24, 2009 to March 23, 2010, inclusive; and one and seven-tenths percent
13 for an employee hired March 24, 2010 to March 23, 2011, inclusive.

14 Section 2. For the purposes of this Act, annualized salary means an employee's hourly wage



times the number of hours in the fiscal year in which the payment is made times the percent of time the employee is regularly scheduled to work, or the employee's annual salary times the percent of time the employee is regularly scheduled to work. If a full-time employee's annual salary is less than forty-six thousand dollars, the calculation shall be based on forty-six thousand dollars times the percent of time the employee is regularly scheduled to work. If a full-time employee's annual salary is more than one hundred fifty thousand dollars, the calculation shall be based on one hundred fifty thousand dollars times the percent of time the employee is regularly scheduled to work.

Section 3. Any payment pursuant to this Act is not to be considered as part of the employee's base compensation or regular rate of pay, nor is the payment compensation for any past performance or future action.

Section 4. The amount necessary to fund the one-time payment to employees may be transferred to the appropriate budget units by the Bureau of Finance and Management. If there is not enough funding to provide the required payments to the workforce in place at the time of calculation, the bureau may reduce and prorate the amount of the one-time payments.

Section 5. That section 2 of chapter 23 of the 2011 Session Laws be amended to read as follows:

DEPARTMENT OF EXECUTIVE MANAGEMENT

(17) delete "State Government Energy Program" and insert "Employee Compensation"

Personal Services, General Funds, delete "\$0" and insert "\$1"

Personal Services, Federal Funds, delete "\$0" and insert "\$1"

Personal Services, Other Funds, delete "\$0" and insert "\$1"

Operating Expenses, General Funds, delete "\$0" and insert "\$1"

Adjust all totals accordingly.

1 Section 6. The commissioner of the Bureau of Finance and Management shall approve
2 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

3 Section 7. Whereas, this Act is necessary for the support of the state government and its
4 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
5 full force and effect from and after its passage and approval.